

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 33446 of 2007(F)

PETITIONER:

**N.C.KUNJUNJU KUTTY,
ARU PARAYIL HOUSE, VETTITHURUTHU,
CHANGANASSERY P.O., KOTTAYAM.**

**BY ADV. SRI.J.DEVADANAM
SRI.VINOD J.DEV
SRI.PRAMOD J.DEV**

RESPONDENTS:

- 1. THE DIRECTOR,
KERALA STATE WATER TRANSPORTS DIRECTORATE,
ALAPPUZHA.**
- 2. THE KERALA STATE FINANCIAL
ENTERPRISES LTD., REGISTERED OFFICE,
BHADRATA, THRISSUR, REPRESENTED BY ITS
MANAGING DIRECTOR.**

ADDL. 3RD RESPONDENT IMPEADED

- 3. THE ACCOUNTANT GENERAL (A&E),
ACCOUNTANT GENERAL'S OFFICE,
THIRUVANANTHAPURAM.**

**ADDL. 3RD RESPONDENT IMPEADED AS PER ORDER DT.11.12.2007
IN IA. 16260/2007.**

**BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.M.L.SAJEEVAN SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.GIRI,J.

W.P (C) No. 33446 of 2007

Dated this the 11th December, 2007

J U D G M E N T

The petitioner retired as Sr.ank from the State Water Transport Department on 31.5.2006 He is aggrieved by the fact that the retirement benefits due to him are yet to be disbursed.

2. The petitioner had stood as a guarantor to one Tomy.K. Thomas who had availed a loan from the 2nd respondent Kerala State Financial Enterprises. The principal debtor defaulted repayment of the loan and hence recovery proceedings were initiated. Apparently it is because of this that retirement benefits are yet to be disbursed to the petitioner

3. After having heard the Learned counsel for the petitioner, the learned Government Pleader and learned standing counsel for the 2nd respondent, this writ petition is disposed of in the following terms:-

1. Petitioner shall produce a copy of the judgment along with a representation before the 1st and 3rd respondent separately within 4 weeks from today. The 3rd respondent shall determine the amounts due and admissible to the petitioner as pension and gratuity and pass appropriate orders sanctioning the same, within one month thereafter and communicate to the 2nd respondent.

2. The 2nd respondent shall verify whether there is any written consent given by the petitioner for making available his retirement benefits for recovery of any amount due from the principal debtor in relation to whom the petitioner stood as a surety . Decision in this regard shall be taken within a period of 2 months and proceedings shall be forwarded to the 1st respondent with copy to the petitioner. If such proceeding is adverse to the petitioner he will be entitled to challenge it in appropriate proceedings.
3. On receipt of the sanctioned order , the 1st respondent shall pass orders within 2 months thereof issuing NLC/LC to the petitioner depending upon the amount that is due to the petitioner by way of DCRG. The same shall be disbursed to the petitioner within one month thereafter.
4. The entrée process out lined above shall be completed within a period of 4 months from the date of receipt of a copy of the judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

W.P (C) No. 33446 of 2007

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25th May, 2007